

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

LISTING OF CLAIMS:

1. (original): A process for producing a transgenic plant which accumulates a fructooligosaccharide, comprising:

transforming a plant with a gene construct comprising a gene encoding β -fructofuranosidase capable of converting sucrose into a fructooligosaccharide.

2. (original): The process according to claim 1, wherein the gene encoding β -fructofuranosidase is derived from a microorganism belonging to genus *Aspergillus*, genus *Penicillium*, or genus *Scopulariopsis*.

3. (original): The process according to claim 2, wherein the gene encoding β -fructofuranosidase is derived from *Aspergillus niger*.

4. (original): The process according to claim 1, wherein the gene encoding β -fructofuranosidase is selected from the group consisting of:

- (a) a gene consisting of the nucleotide sequence of SEQ ID NO: 1,
- (b) a gene comprising the nucleotide sequence of SEQ ID NO: 1,
- (c) a gene comprising a nucleotide sequence in which one or plural nucleotides are deleted, substituted, or added in the nucleotide sequence of SEQ ID NO: 1, and encoding β -

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fructofuranosidase capable of converting sucrose into a fructooligosaccharide, and

(d) a gene comprising a nucleotide sequence having a 85% or more homology with that of SEQ ID NO: 1, and encoding β -fructofuranosidase capable of converting sucrose into a fructooligosaccharide.

5. (currently amended): The process according to ~~claim 1 any one of claims 1 to 4~~, wherein the gene construct comprises a gene which encodes β -fructofuranosidase and is operably linked to a constitutive promoter, an organ-specific promoter, or a developmental-specific promoter.

6. (original): The process according to claim 5, wherein the promoter is selected from the group consisting of:

- (i) a CaMV35S promoter,
- (ii) a sweet potato sporamin A promoter, and
- (iii) a sweet potato sporamin B promoter.

7. (currently amended): The process according to ~~claim 1 any one of claims 1 to 6~~, wherein the transgenic plant is a dicotyledonous plant or a monocotyledonous plant.

8. (original): The process according to claim 7, wherein the transgenic plant is a plant belonging to Solanaceae, Chenopodiaceae, or Gramineae (Poaceae).

9. (original): The process according to claim 8, wherein the transgenic plant is Nicotiana sp., Beta sp. or Saccharum sp.

10. (currently amended): A transgenic plant produced by the process according to claim 1
~~any one of claims 1 to 9~~, or a progeny plant thereof.

11. (original): A seed of the transgenic plant or progeny thereof according to claim 10.

12. (currently amended): A process for manufacturing a fructooligosaccharide, comprising:

cultivating the transgenic plant or progeny thereof according to claim 10 ~~or the seed according to claim 11~~, and

collecting a fructooligosaccharide accumulated in the plant body.

13. (new): The process according to claim 2, wherein the gene construct comprises a gene which encodes β -fructofuranosidase and is operably linked to a constitutive promoter, an organ-specific promoter, or a developmental-specific promoter.

14. (new): The process according to claim 3, wherein the gene construct comprises a gene which encodes β -fructofuranosidase and is operably linked to a constitutive promoter, an organ-specific promoter, or a developmental-specific promoter.

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15. (new): The process according to claim 4, wherein the gene construct comprises a gene which encodes β -fructofuranosidase and is operably linked to a constitutive promoter, an organ-specific promoter, or a developmental-specific promoter.

16. (new): The process according to claim 2, wherein the transgenic plant is a dicotyledonous plant or a monocotyledonous plant.

17. (new): The process according to claim 3, wherein the transgenic plant is a dicotyledonous plant or a monocotyledonous plant.

18. (new): The process according to claim 4, wherein the transgenic plant is a dicotyledonous plant or a monocotyledonous plant.

19. (new): The process according to claim 5, wherein the transgenic plant is a dicotyledonous plant or a monocotyledonous plant.

20. (new): The process according to claim 6, wherein the transgenic plant is a dicotyledonous plant or a monocotyledonous plant.